

Idaho Heating, Ventilation and Air Conditioning Board Meeting

Thursday – November 13, 2003
Red Lion Hotel – Pocatello, Idaho

CALL TO ORDER Chairman Minegar called the meeting to order at 9:30 am on Thursday, November 13, 2003 at the Red Lion Hotel, Pocatello, Idaho.

PRESENT Board members present included Pat Minegar, Russ Firkins, Jim Bledsoe, Steve Brown, Steve Keys, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Ted Hogander, Plumbing Bureau Chief; and Shauna Wallace, Administrative Assistant and recording secretary. Excused from the meeting was Board member Carol Alexander.

Also present were Damon Reed, Delaval; Al Yoder, Delaval; Patrick Gilbert, Delaval, Bou-matic; Bruce Graham, Quality Heating and Air Conditioning; Dwight Perkins, IAPMO; Russel Goyen, City of Idaho Falls; Dennis Brittain, IBCB; Paul Jensen, IBCB; Ray L. Coon, San-Ray Plumbing; Gary Ostler, Paul's Gas Heating; Bob Corbell, HVAC/IEC Associations; Brent Moore, SMW#60; Mike Mencke, Ace Boiler; Tim Morse, Madison District #321; Max Drayton, Greene Plumbing and Heating; Gary Blanchard, ISU; Rody Cummings, ISU; David Fickbohm, Kents Heating; Ray Ellis, Ellis Construction; Karen Ellis, EIHBA; Michael Armstrong, Custom Construction; Matt Edlefsen, Wiemer Heating; George Smith, Wiemer Heating; Kevin Grover, AA Boiler and Heating; Dee Rammell, Quantum Group Engineering.

Present for the hearing were Russel Goyen, City of Idaho Falls; Dennis Brittain, Jerome County; Ray L. Coon, San-Ray Plumbing; Gary Blanchard, ISU; Rody Cummings, ISU; Dave Noack, Turbo Heat; Thomas Moore, BYU-Idaho; James Davenport, Davenport Refrigeration; David Fickbohm, Kents Heating; Max Drayton, Greene Plumbing and Heating Company; Patrick Gilbert, Delaval & Bou-matic; Al Yoder, Delaval; Damon Reed, Delaval; Kenneth Hall; Larry Anderson, Air Tech; Warren Wyatt, Quality Heating; Bruce Graham, Quality Heating and Air Conditioning; Dwight Perkins IAPMO; Ray Ellis, Ellis Construction; Mike Mencke, Ace Boiler; Kenneth Hall, Halley.

INTRODUCTIONS Chairman Minegar welcomed everyone in the room and reminded guests there would be a hearing at 10:00 am. Guests were also reminded to sign in on the general sign-in sheet and on the hearing sign-in if they planned on attending the hearing. Chairman Minegar asked that all electronic devices be silenced for the duration of the meeting. Guests were invited to speak or ask questions and to state their names and who they represent each time for the record. Meeting attendees introduced themselves and stated their affiliation.

MINUTES OF 9/11/03 Jim Bledsoe moved to approve the minutes of the Idaho Heating, Ventilation and Air Conditioning Board meeting of September 11, 2003. Seconded. Passed.

BUDGET PRESENTATION Marsi Woody gave a presentation on the budget for the Board and the Bureau. Chairman Minegar explained that the Division of Building Safety Administration staff have been staffing the HVAC Bureau. No HVAC staff have been hired at this point.

Ms. Woody began by reviewing the revenues and expenses for FY 2004. The Bureau began the year with the \$272,300 loan from the Plumbing Bureau. As of October 31, 2003 the balance was \$266,818.48. The need for another loan from the Plumbing Bureau is anticipated for 2005. Once the Bureau is flush they will pay back the loans.

Ms. Woody submitted the budget request for the 2005 appropriation requesting \$1,132,000. Most specifically, the request was for an additional eight (8) positions, which includes five (5) inspectors and three (3) office specialists. Currently funded are a bureau chief, an administrative assistant, and an office specialist. The request for personnel costs was for \$413,600 and includes salaries and benefits. The ongoing costs request was for \$205,500 and includes costs such as telephones and office supplies. The request for one-time costs was for \$58,600 for expenses such as calculators and cell phones. The request for capital outlay was for \$160,900 and includes vehicles and computer/office equipment.

Chairman Minegar reminded meeting attendees the Board encourages input and questions. Attendees were also reminded to step up to the microphone and state their names and affiliations each time for the record.

IDAHO HVAC
BOARD 2004
MEETING SCHEDULE

Russ Firkins led the discussion on **tentative** dates for the Board to meet in 2004. Dates included February 26, 2004 in Meridian, Idaho; May 19, 2004 in the Magic Valley; July 15, 2004 in Meridian, Idaho; September 9, 2004 in Post Falls, Idaho. Mr. Firkins suggested the Plumbing Board could change their May 21, 2004 meeting to Magic Valley.

Chairman Minegar invited latecomers to introduce themselves.

PUBLIC HEARING ON
DOCKET#07-0701-
0301

Chairman Minegar called the hearing to order at 10:00 am in response to a request for hearing received October 15, 2003. Chairman Minegar turned the meeting over to Dave Munroe, Administrator of the Division of Building Safety to act as the hearing officer.

Mr. Munroe asked if anyone else needed to sign the Hearing Sign-In Sheet and marked off whether or not they wanted to testify. Mr. Munroe restated the Division of Building Safety had received a request for a public hearing on the HVAC rules [docket#07-0701-0301 – SLW]. Attendees were informed the purpose of the hearing was to give those present the opportunity to voice their concern about the rules that were proposed. Those who wished to testify were asked to stand to allow Mr. Munroe to determine how much time could be given within the hour allowed. Only two people stood in response to the question. Mr. Munroe informed attendees that at no time were questions to be asked of the Board, nor would the Board be asking questions of those who were testifying. Mr. Munroe added that written testimony was acceptable today or could be sent to the Board at the Division of Building Safety in Meridian, Idaho. Mr. Munroe also informed attendees that the Board would take all testimony from the hearing under advisement and that the Board would decide whether or not to make any changes to the rules based on the hearing within five (5) to seven (7) days.



Russ Goyen, City Plumbing and Mechanical Inspector for Idaho Falls, Idaho. Mr. Goyen's major concern is connected with the fee schedule. He believes it to be quite high and believes it will be difficult to get compliance in areas where the state won't be conducting the inspections. Mr. Goyen stated while it may be the Board's view that fees be high to cover the far flung areas of the state, the way the fee schedule is written shows if a person wanted to install a gas fireplace the permit fee would be \$150 (\$50 for the permit, \$50 for the gas piping system, and \$50 for the appliance). Mr. Goyen feels there will be resistance to comply with fees that high. Mr. Goyen's interpretation is that the permit fee for a typical house in his area would be about \$300. That fee would not include reinspection fees if another inspection were required. Mr. Goyen does not propose a solution, other than possibly having some cross training of inspectors (plumbing or building) in various counties, cities or places that are closer geographically to places where inspections need to be done. The state could then contract with them to do inspections in some of the more remote areas of the state. As a basis for comparison, Mr. Goyen researched the fees in Idaho Falls and a decorative fireplace would be \$23.50.

Bruce Graham, Quality Heating, Grangeville, Idaho. Mr. Graham understands the Board is setting the permit fees, etc. to keep from going in the hole so the fees will cover expenses without the Board making any money. Mr. Graham believes government and regulation is needed for safety issues, but licensing is his main concern. Mr. ~~Goyen~~Graham said the way it is currently set up you have to do a four year apprenticeship to have an HVAC license. Mr. ~~Goyen~~Graham stated they're regulated terribly by specialty licenses (electrical and plumbing). Mr. ~~Goyen~~Graham would like to see the license inclusive of the electrical and plumbing they do. Mr. ~~Goyen~~Graham suggested one license with multiple endorsements to allow someone to do just one or any of the following: gas piping, installation, service, boilers, forced air. If a person were to attain all the levels they would then have the master license, which should be the contractor license. Mr. ~~Goyen~~Graham has attended all the Board meetings and hasn't seen any representation from any of the areas and he believes there needs to be more representation if things are to be changed. Mr. ~~Goyen~~Graham's frustration is the way the legislation was presented it appeared that everyone was afraid to change anything because it might get thrown out and there wouldn't be any licensing, so everyone said to put it through the way it was with the thought that they could change it later. Mr. ~~Goyen~~Graham's experience is government isn't able to change legislation, but he believes it needs to be changed before it happens.

[1/29/04 – Changes from Mr. Goyen to Mr. Graham in this paragraph are the result of technical corrections requested and approved at the January 29, 2004 Idaho Heating, Ventilation and Air Conditioning Board Meeting. – SLW]

Ray Ellis, building contractor in Idaho Falls, Idaho and also represents the Eastern Idaho Home Builders Association. Mr. Ellis stated that after consulted with their members they have a number of concerns. The first concern is the bond. They don't feel that the \$2,000 bond doesn't protect anyone, only becomes an additional expense, really has no value and should be dropped. They are concerned with the alternate requirements, basically the grandfathering. Mr. Ellis stated the license should mean the holder is qualified, not that they've been in business two years, two months or even twenty years. Mr. Ellis believes if you're competent you ought to be able to pass the exam. Mr. Ellis is also concerned with the licenses. They would endorse the concept of one license with multiple levels. They feel it penalizes the small businessman who is a journeyman and does his own work as he would have to have two licenses, take two tests and there should be other ways to do it. Mr. Ellis was also concerned with the specialty phase; are there specialty contractors and specialty journeyman also? For years Mr. Ellis, as a contractor, installed the mechanical venting to the fans, is that now going to require a specialty license to perform that work? They are also concerned about the excessive fees. In the home Mr. Ellis recently completed, if he followed the fee schedule correctly it would have cost him \$650 for a mechanical inspection. Mr. Ellis is not sure what the inspection would entail, but typically it's a ten-minute visual inspection and then it's completed. Mr. Ellis would be able to spend on \$200 to have it tested to make sure there's no back draft or leaks. Mr. Ellis thinks the proposed rulemaking in its current form does nothing to improve the status of the industry. If the rules aren't going to make it better then we need to go back to the drawing board.

Mike Mencke, Ace Boiler and Heating. Mr. Mencke has been in the business for about 13 years. He started out in the service side of it and he has seen all the problems associated with the homeowner installs, and the contractor installs so he went out and bought an air-duct cleaning truck 8 years ago and if you really want to see the inside of a system it's pretty scary. Mr. Mencke feels the only people being ripped off are the homeowners so as far as he's concerned the fees could be doubled. Ninety percent efficient furnaces are being installed and hooked up to fifty percent efficient ductwork. Homeowners don't know they have bad systems. Mr. Mencke feels the money is clear out of it and money can't be made doing HVAC. You get what you pay for and employees are being hired at \$6/hr. and being overworked. Mr. Mencke confirmed Mr. Goyen performs safety inspections and that he doesn't do any calculations. Mr. Mencke stated that no one is doing the calculations and there's no one to oversee that. Mr. Mencke believes systems should be stamped by an engineer prior to installation. Mr. Mencke feels sorry for homeowners.

Dwight Perkins wanted to drop off information and Mr. Munroe asked him to hold off until after the hearing was concluded.

Mr. Munroe invited anyone who had not stated they wished to testify to feel free to do so at this time.

Al Yoder, Deluval Direct Distributions in Caldwell, Idaho. Mr. Yoder works for a dairy equipment company that sells and installs the equipment and he wondered if anyone realized how much refrigeration is included in the dairy industry and the level of work they see done in their industry does need some regulation. Mr. Yoder wouldn't mind rules and regulations and believes if anyone were to ever inspect some of the existing installs it would open a lot of eyes on safety concerns. Mr. Yoder thinks everyone being on the same page and being certified would be a good thing. He would be concerned about proper enforcement. Mr. Yoder endorses having one license with the separate qualifications.

Dave Noack, Turbo Heat. Mr. Noack feels the rules are oppressive on the homeowner. He feels the fees are excessive compared to what's being accomplished. He feels the fees penalize the homeowner. A homeowner should have a choice to use whatever contractor he wants, but at the same token maybe a service could be offered where they could come to the Board and pay an additional fee if they want a guarantee, for example plan checking and things of that nature. The homeowner would have a choice and wouldn't have to pay for those if they didn't have a big budget. At the same time if the homeowner wanted to go the extra mile they could pay to have a plan check done. Mr. Noack feels the public is frustrated and it would be better if it were a choice instead of an enforcement issue on the homeowner. After going through the fees, Mr. Noack was surprised at how expensive some of the fees were. He thinks the fees should be sufficient to cover whatever's necessary, but at the same token not be so excessive that it drives people to a different way of doing things, maybe not getting inspections.

George Smith, Wiemer Heating and Air Conditioning in Idaho Falls, Idaho. Along with others who've testified Mr. Smith is concerned about the fee schedule. One of his concerns is enforcement. We're trying to get everyone on a level playing field and trying to produce a quality product for the customer. Mr. Smith is concerned about the fee schedule because there are a lot of municipalities and a lot of areas and how are we going to enforce inspections? His other concern is Code and there's been discussion about which Code will be adopted and how it'll be done. How will we be able to go from Idaho Falls in Bonneville County and do a job there and then go up to Bonners Ferry, Idaho and be able to do the same type of work with the same quality and have the same type of inspection system? As far as licensing goes, Mr. Smith thinks it's great and that we should have it, however he's concerned about the specialty licenses and how they're going to be administered. Mr. Smith said that we're talking about electrical specialties and one of the big concerns is HVAC technicians. How far can they go and what can they do? What kind of testing will take place and what things need to be done to get them certified?

Mr. Munroe asked if anyone else would like to testify. Mr. Munroe adjourned the meeting at 10:20 am after thanking everyone for attending and reminding them the Board would take their comments under consideration.

Chairman Minegar ordered a 15-minute break.

DISCUSSION PERIOD

Chairman Minegar opened up the meeting for attendees to discuss any issues or concerns they had not relating to the proposed administrative rules docket.

Mr. Mencke would like to see new construction addressed as a separate issue as opposed to just change outs and decorative appliances. As prints come through the county they should be initialed showing they've been inspected for airflow and safety. Chairman Minegar pointed out that most plans that go through plan checking may show where the furnace goes, but there's not specifically a design drawn. Mr. Mencke stated that residential should be the same as commercial. Mr. Mencke feels like inspectors will be wasting their time if they're just going to go out and do safety inspections on the furnace and not check the ductwork, airflow calculations and the return air. Mr. Mencke wants the airflow calculation added to the safety inspection.

Mr. Graham feels the Board should have no input as to the quality of the system the customer is willing to pay for.

Jim Bledsoe pointed out that inspectors would be inspecting what the codebook says to inspect, whichever codebook is used.

Mr. Ellis would hate to see the adoption of code taken away from the Building Board. Part of the reason the ICC was chosen was to get everyone on the same page.

Chairman Minegar asked if there were any contractors that would like to speak to the code they're using.

Mr. Smith expressed concern over the different codes being used within the 100-mile radius they work in. The differing codes create a lot of conflict between homeowners, HVAC, and plumbers. Chairman Minegar asked which code Mr. Smith preferred. Mr. Smith prefers the International Fuel Code, but said he didn't care as long as everyone uses the same code.

Ray Coon's concern was that not everyone can vote on the International Codes and that not everyone receives the same information when changes are proposed. Mr. Coon's preference was for the Uniform codes.

Chairman Minegar informed attendees that the Board has been gathering information regarding the codes and hopes to ultimately be able to dictate which codes they enforce, as the other boards do.

Chairman Minegar confirmed Mr. Graham's questions that whichever code the Board adopts in the future will be the minimum standard required by the state.

Dennis Brittain, Jerome County Building Official and Building Code Board member, told attendees that the Building Code Board went through a long process at the state level to get to the International Codes adopted. The Building Code Board's philosophy (at their last meeting) is if the HVAC Board wants to change something then change the current code. Use the International Code and revise it however needed.

Mr. Perkins asked attendees to let him know if they would like him to conduct a presentation on the Uniform Mechanical Code to any group.

Mr. Goyen believes the International Codes are the way to go.

ADMINISTRATIVE RULES REPORT

Shauna Wallace informed the Board and attendees that she will be submitting a pending rule notice on behalf of the Board to the Office of Administrative Rules for publication January 7, 2004. The publication will be available on the internet at the Office of Administrative Rules' website and also at the Division of Building Safety's website. If the Board chooses to make changes to the proposed rule as a result of the hearing held today, the pending notice will reflect those changes. If the Board chooses to proceed with the rules as they were originally submitted no changes will be noted in the pending rule notice. At the beginning of the Legislative Session, the Legislature will review all pending rules and can approve the rule as submitted, change the rule, or even dismiss the rule.

LEGISLATION FOR THE 2004 SESSION

Chairman Minegar asked Mr. Firkins if he would lead the discussion on changes to the HVAC legislation.

Mr. Firkins used the copy of draft legislation the Board received on November 7, 2003 from Kay Manweiler.

54-5005(1) – Added to powers and duties of the Board are the authority to charge plan-checking fees, investigation fees and to establish such other fees, as the Board deems necessary.

54-5005(3) – Added to powers and duties of the Board is the authority to adopt and enforce mechanical codes, or portions of, as it deems necessary, notwithstanding any other provision of law or rule.

54-5005(4) – Added to powers and duties of the Board is the authority to establish civil penalties by administrative rule. Also, the draft needs to be changed from Idaho electrical board to Idaho heating, ventilation and air conditioning board.

Chairman Minegar took a moment to explain that investigative fees would be assessed if, for example, an inspector was out working and came upon a home that was being built and the heating had been completed without a permit, this fee allows the HVAC bureau to go back and find out who did the work and assess permit fees.

54-5006(3) – Added to the powers and duties of the administrator of the Division of Building Safety is the authority to appoint a hearing officer.

54-5006(5) – Added to the powers and duties of the administrator of the Division of Building Safety is the authority to impose civil penalties as provided in the law and the rules of the Board.

54-5007 – Adds specialty contractors and specialty apprentices to the categories for certificates of competency. Also, adds a requirement that specialty contractors (in addition to contractors) provide a bond.

54-5012 – The Board had previously discussed three-year licensing and Mr. Firkins suggested the Board discuss whether or not to try to do that now or perhaps wait a year or two.

54-5013 – Incorporates the addition of the terms of reinstatement of a previously revoked license.

54-5016 – The change of date for inspection implementation from July 1, 2004 to October 1, 2004.

54-5021(2) – Mr. Firkins suggested the word mechanical be reincorporated in the draft.

54-5021(3) – Adds that certification shall be as provided in the rules of the board.

54-5022(2) – Adds more detail on civil penalties.

54-5025 – Adds a new section regarding hearings.

Mr. Firkins then referred to the legislative issues handout from the prior meeting. Items that still need to be covered include specialty licensing, endorsements and low voltage, which they've had great input on today.

CODE DISCUSSION

Mr. Firkins restated that there had been some debate on who has the authority to adopt the codes, but he would like to get some input as the Board goes through the process.

Paul Jensen, Chairman of the Building Board, stated that the Building Board would like to see uniformity. Mr. Jensen told the Board and attendees that he was sure everyone had experienced the frustration working with different codes. Mr. Jensen believes if the two Boards can't cooperate it may be something the Legislature will have to decide. However, the Building Board would like to see the HVAC Board decide on the enhancements, amendments and additions to the code that need to be made. Mr. Brittain stated that the Building Board would like to maintain the authority to determine the code with the HVAC Board using their expertise to make changes as needed. This would assist in keeping the duplication of effort down.

Mr. Coon's largest concern is that he doesn't want only inspectors to be able to change the code. Mr. Ellis pointed out that while not everyone can vote on changes to the International Code, anyone can submit changes.

OTHER BUSINESS

Chairman Minegar asked if anyone had anything else they would like to discuss prior to adjourning the meeting.

NEW BUSINESS

Chairman Minegar called for new business for the next meeting.

Chairman Minegar thanked attendees again for their input. Mr. Firkins wanted to ensure the meeting schedule for the 2004 meetings was addressed. He also requested the Building Board provide their schedule to the HVAC Board secretary. Mr. Brittain extended an invitation for a member of the HVAC Board to attend the Building Board meetings.

CLOSING REMARKS

Chairman Minegar thanked meeting attendees for their time and input. Mr. Goyen expressed appreciation to the Board for having the meeting in Pocatello, which allowed many of them to attend and helps them feel they're involved in the process.

ADJOURNMENT

The meeting was adjourned at 12:00 pm.

Respectfully submitted,

Shauna Wallace